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July 10, 2007

Re: 07-57 Proposed Merger of XM Satellite Radio and Sirius Satellite Radio

Dear Commissioners:

Please deny the proposed merger of XM Satellite Radio and Sirius Satellite Radio. Both companies have not addressed the following issues:

#### Bandwidth Issues

The merger will result in the elimination of at least half of the channels for each respective service. Both companies already offer *minimum* amounts of bandwidth to their traffic, news, and talk stations with the exception of Howard Stern on Sirius. The traffic channels are practically unlistenable. They do this because there simply isn't much room anymore. Both services allocate bandwidth for vehicle navigation systems, data, and their programming and are now looking at a merger under one license. If one license for one piece of the allocated spectrum is kept, channels and services will have to be cut without exception. There simply won't be enough room. Traffic and news channels will consolidate; some talk stations will be eliminated, music channels such as decade (40s, 50s, 60s, and 70s) type channels will be consolidated/eliminated, channels dedicated to ethnic music will be eliminated or consolidated. There simply can't be several versions of the same channel. Do the American Trucking Association, NAACP, and League of Latin American Citizens think that they will receive *more* channels dedicated to their listening pleasure? It will be the reverse. Where is the "choice" in this? Is that what the "best of Sirius-XM" is supposed to be?

#### Pricing

According to a Sirius press release dated July 9, 2007, there will be a lower than \$12.95 service, a maintain current service plan of \$12.95, and a best of both premium service at a modest premium over today's price. Sirius owes Howard Stern and the NFL \$1 billion. XM owes Major League Baseball \$650 million and the NHL \$100 million. This does not include other sports such as college football and motor sports, and on-air talent. The previously

stated deals alone are 1.7 billion dollars alone. What will be cost of the premium service? It will probably approach or surpass the \$20/month mark. How is that good for the consumer?

#### Common Radios and XM's Repeaters

Under the current licenses, both companies were supposed to offer a common radio with a common chipset. Neither company could come to terms. Sirius uses a PAC codec and XM uses AAC+, which are not compatible. *Why was that rule not enforced?* A subscriber could subscribe to either service when they wanted and then truly have a "choice" of the best that XM and Sirius had to offer. If the merger is approved, a codec will survive the merger, and then it should be fully expected that Sirius-XM send all customers a new radio capable of receiving all service and capabilities.

XM currently has many repeaters in operation to augment their satellite signal. Will the new Sirius-XM cut out the repeaters that are currently running? I currently receive XM Radio in an office building without a window nearby due to a nearby repeater. My coworker in the same building, who has Sirius, has a reception problem *in the parking lot under an open sky, and you can forget about a signal in the building.* Should customers expect a loss of strong signals due to the costs that the new combined company has to deal with?

#### Competition

"Competition brings out the best in products and the worst in people" said David Sarnoff, late leader of RCA. There needs to be competition. Terrestrial radio is expanding HD Radio with all the data and services that it can carry. MP3 players are common place for the vehicle. Wi-fi/Internet Radio for vehicles is going to be in the future. What's wrong with two satellite radio companies? Consumers need choice!!!!

This filing does not in anyway advocate the views of the NAB or terrestrial radio owners. It's funny how the NAB and terrestrial radio will do anything to keep satellite radio from providing customers a choice in quality programming. The competition wouldn't be so fierce if they offered quality programming in the first place.

I'm a former employee of XM Satellite Radio. I own no stock and am available for comment.

Give the customers a choice!

Sincerely,  
Armando Garcia

